Supplement to the Bombay Gazette.

VOLUME II | SATURDAY, AUGUST 7, 1830. | NUMBER 79.

"BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY."

NOTICE IS HEREBY GIVEN.

THAT a Special Meeting will be held on Wednesday next the 11th Instant at 2 P. M.

(Signed) R. C. MONEY,
Actg. Secy.

BOMBAY,
SOCIETY'S ROOMS,
7th August, 1830.

NOTICE,

IS hereby given, that our business will hereafter be carried on under the firm of REMINGTON and CO.

REMINGTON, CRAWFORD & Co.
31ST JULY, 1830.

THE NEW BOMBAY *LITHOGRAPHIC PRESS*

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NOTICE.

WITHIN the last month— four handsome PLATED CURRY DISHES with COVERS & HANDLES, have been stolen, "They are engraved with the motto," "*Gang Forward*" and crest of "*Moor's Head.*" It is requested that any person offering them for sale or having them in his possession may be apprehended, and on application to MESSRS. WOOLER & CO. by the person leading to the offenders, conviction, a suitable reward will be given if required.

Bombay, 2nd August, 1830.

WANTED.

IMMEDIATELY for the Gazette Printing Establishment, two Hindoo Compositors, who understand the English Cases perfectly. Application to be made to the Printer.

Bombay, 7th August, 1830.

Advertisement.

NOTICE IS HEREBY GIVEN,

THAT on Wednesday the eleventh day of August at 12 o'clock in the forenoon the Trustees and assignees of the estate and effects of the firm of BHICCAJEE MERJEE and Company will be put up by public Auction to the highest bidder at the office of FRAMJEE COWASJEE one of the managing Trustees and Assignees of the said late firm, by and with the consent and approbation of the principle part of the Creditors of the said late firm, all the remaining outstanding debts, due to the said late firm for the benefit of all the creditors, in order finally to close the affairs of the said firm. The money arising from sale of such out-tanding debts will be added to the sums of money now in the hands of the said Trustees. A list of the said debts shewing the amount due from each individual may be seen on application at the said Trustee's office on any day previous to the said sale between the hours of eleven and five. Should any Creditor or creditors of the said late firm object to this mode of disposing of the said debts, he, she, or they, are requested to give notice to the said Trustees setting forth their grounds of objection.

Bombay, 7th August, 1830.

For Passage to London and the Cape of Good Hope,

THE SHIP
ROYAL GEORGE,
OF 500 TONS,
WILLIAM WILSON,
COMMANDER.
To sail 1st of September.

HAS Superior accommodations for Passengers, and carries a Surgeon For particulars apply to Captain WILSON, on Board, or to RITCHIE, FINLAY, and CO.

Rampart Row, 7th August, 1830.

For "Penang."

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GENERAL BARNES,
OF 210 TONS,
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FOR Freight or Passage.—Apply to Messrs. ROBERT TAYLOR and Co.

Bombay, 7th August, 1830.

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APPLY to Messrs. ROBERT TAYLOR and CO.

Bombay, 7th August, 1830.

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CALCUTTA.

BENGAL HURKARU—JULY 12.

SUPREME COURT.—28*th June* 1830,

SHAMLAL MITTER, *versus* RADHAMOHON DUTT AND ANOTHER.

Mr. Cleland had moved for a rule to shew cause why Mr. Bell, Collector of Hoogley, should not pay into the hands of the Sheiff, the surplus in his hands on the sale of some lands of one of the defendants.

The Chief Justice stated, that the motion was of some importance, and wished the Advocate General to attend to it. The application was for an order nisi on Mr. Belli, Collector of Hoogley, to pay over money in his hands surplus after sale of lands. Mr. Cleland moves on an affidavit, and the Sheriff in his return states, that Mr. Belli has informed him that he does hold the money but that he holds it under an order of the Zillah Court of Hoogley.

I have to consider whether we should issue this order nisi.

First, it has been ascertained, that it has been the usual course to issue these orders nisi on the Collector.

But I am not inclined to be guided by precedent in these cases. There is a great deal in the temper of the times. What might be done at another time, might not be done so now. By danger I mean merely the danger of opposition, We have to consider whether we have Jurisdiction. The Charter gives authority to the Sheriff to take debts, and provides that after notice, the party cannot discharge himself by any payment, except under an order of the Court, It is quite clear therefore in an ordinary case. But the Collector being a revenue officer, we have the difficulty of being obliged to say, whether this comes within the part of the 21 Geo. 3. which prohibits us intermeddling with Revenue, matters.

If it does there might be considerable hardness as to the suitors of this Court.

On the other hand by calls on the party might seize all the surplus in the hands of the Collector. But this could not affect the Revenue, but other Courts might be put to come to this Court.

But I should be inclined to think that this money might not be within the clause of the 21 Geo. 3. but I am not confident. I should say it is a debt within the provisions of the Charter, and not prohibited by the 12 Geo. 3. I should consider that an action for money had and received would lie, but I don't give a decided opinion.

But if this action would not lie, some other process would reach it—something like the proceedings on an extent. We might direct the Sheriff to summon a Jury, and the Collector would have to account.

We have secondly to consider whether what the Collector has stated would take away our jurisdiction that is, that he holds it under the order of a Provincial Court, I am aware of a recent decision. But a Collector is not an officer of that Court. One does not know what order could have been made. We have no parties names, nor any mode of arriving at the facts. We should have all this from the officer of the Court.

I should incline to the right to proceed for this debt.

I am inclined against it on other grounds. The only way in which I could enforce it would be by attachment. And in the present circumstances, I would not wish to make an order which I might not enforce and impair the power of his Court,

If an action be brought, the Collector must plead. He runs the risk of having to pay the sum twice over.

Sir E Ryan—I am of opinion that this does not come within the clause of the Charter (reads part). Mr. Cleland applies under the Charter. The doubt is, whether the grounds make it out a debt. First, the affidavit calls it a surplus at credit of the defendant. The Sheriff's return sets out the Collector's letter in which the latter says, he holds it under the order of the Zillah of Court of Hoogly, It does not appear that there is in the hands of the Collector a clear debt. The order cannot be made,

The Chief Justice alluded to notice served on the Zillah Court of Hoogley, There could not be a debt in their hands, it could not be so in ours. The Sheriff ought to abstain from giving notice to a judge of Court. As long as it is in the hands of a Judge of Court it cannot be considered as a debt. I conceive that it was the object of the legislature that the Collector be entitled to hold a surplus arising after the payment of the Revenue.

The Advocate General stated, that if application were made in the proper quarter there would be no difficulty, but every facility afforded.

Our readers will find under our Supreme Court head, a report of the proceedings on a rule *nisi*, which we consider very important, as exhibiting the effect which the humiliation of honest Judges for the fearless and conscientious discharge of their duty is likely to have upon the administration of justice in the only Courts to which his Majesty's subjects in India look for protection against the oppressions of the Company's governments or their servants. Here is a case, the justice of which is obvious and the law of which as explained by the Chief Justice himself, appears clear as the sun at noon day, to every man of plain understanding. The learned Judge admits, that it has been the usual course to issue these orders *nisi* on the Collector: but declares that he is now inclined to be guided by precedent in these cases." "There is" says his Lordship "*a great deal in the temper of the times.*" There is indeed and it is a melancholy truth, that temper is decidedly such, as to justify even more than the caution evinced on this occasion.

The Jurisdiction of the Court in this case has never been denied, and there is merely a shadow of a shade of a doubt, whether in contradiction to invariable practice the ingenuity of a Company's advocate might not raise a pretext if so instructed, that it did possibly come within the clause, which prohibits the Court from intermeddling with *revenue*. The learned Chief however, seems clear in his own mind that it does not come within the prohibitation, and how it could ever be managed had it did, surpasses our comprehension. It is admitted, that when a man has paid his taxes in regular course the State cannot seize his property for those taxes. Is the case not precisely similar in law and justice and comomn sense with the surplus of the proceed of property seized and sold to satisfy the State demand? Can there be any doubt that what remains over and above the demand, is *not* the property of the State! in any way or under any designation! By what ingenious logic then could it be pretended, that this surplus was *revenue*? It is as much the private property of the individual as any that ever belonged to him, What then is the obstacle? Clearly "the temper of the times." "I would not wish," says the learned Chief, "to make an order which I might not enforce and thus expose the power of the Court" for in this instance it could only be enforced by an attachment which a Governor, with Sir John Malcolm's views, would no doubt have resisted.

Sir Edward Ryan drew a distinction which we own is far too subtle for our comprehension: we own is far too subtle for our comprehension. He was not satisfied that the debt had been sufficiently made out, for the affidavit called the amount in the Collector's hands "surplus at *credit* of the defendant"! we of course infer, that the distinction seems different and palpable; but it seems difficile to common sense. Supposing this obstacle not to have intervened, it does appear, that his Lordship had any doubt of the jurisdiction or the practice, and the Advocate General declared, that so far from any opposition being likely to be offered, if application to the proper quarter were made, every facility would be afforded. We may consider therefore, that as to the jurisdiction and the practice, there was no doubt; and yet even in such a case, the Court fears to exercise its authority!

Still we repeat, that the caution of the learned Chief Justice, is more than justified by the result of the recent collision of the Bombay Court and Government? Is not the very case to which we have referred then, an instructive commentary upon, the texts of the Elephantine epistle writer, and of the unbiassed Lord Melville, as to the independence, of Judges, We say unbiassed, for His Lordship's pension from the Company of £2000 per annum, granted to him on account of the distinguished services of his celebrated father, actually ceased six years ago! these authorities have laid down a new doctine for judicial conduct, and it is held and almost in so many words proclaimed by them, that henceforth, law and justice are to be of no avail in any case were any Governor shall deem or allege, that they may be opposed to considerations of expediency, that the object of protecting the subject against the oppressions of the Company's servants, is no longer one which comes within the scope of the Court's power; and while such doctrines are held and enforced by the degradation of those judges who dare to disregard them, we see no good that can result from any Judge's becoming a martyr, in the cause of right. In every case in which it can be supposed, that the Company's Governments may feel an interest, a prudent Judge would now do well to consult wishes and refuse to hear such cases, much less issue out processes in contradiction to them; and who will venture to cast blame upon him for such conduct? Any other course would be equally useless to himself and to the public in the present "temper of the times," which we repeat, is in so far as the expression applies to the views of Ministry, utterly hostile to judicial independance,

SECOND CULCUTTA LOTTERY.

OF 1830.

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Fourth days Wednesday, July 14th.

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The Fifth Day's Drawing will take place on Saturday next, the 17th Inly.

SHIPPING REPORT.

DEPARTURE, July 12th The French Ship Alexander. A. Teyssot, for Bourbon.

13th. The Dutch Barque Deiderica, J. Hector for Batavia.

14th. The Chinese Ship Phan Bhan, Tan Van Lay, for Cochin and China.

The Chinese Ship Ding Jaun, Win Ton Ten, for Cochin and China.

DOMESTIC OCCURRENCES.

MARRIAGE.—At the Cathedral, on Wednesday, the 14th July, by the Revd. W. Eales, Mr. James Alexander Crump, to Mrs. Mary Ann Tucker, relict of the late W. H. Tucker, Esq. late Deputy Post Master at Kedgeree.

BIRTHS. At Hurripal, on the 4th July, the Lady of H. S. Lane, Esq. of a son.

At Calcutta, on Tuesday, the 13th July, the Lady of J. Thomson, Esq. Civil Service, of a son.

DEATHS.—At Chowringhee, on the 15th July, Lavinia Henrietta. the infant daughter of Mr. and Mrs. Donald Mercado, aged 9 months and 27 days.

At Calcutta, on the 15th July. Mr. James Hutton, H. C Bengal Marine, aged 26 years.

BOMBAY.

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London..... at 6 months sight ₹ | 8½
Bengal..... at 30 days sight, 107 per 100
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BAZAR VALUE OF COMPANY'S PAPER.

Remitable notes 137 Bombay Rs per 0 | 0 Sc.
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Notes of the present 5 per Cent Loan opened at Bengal on the 18th August 1825, selling at 108 Bombay per 0 | 0 Siccas.

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Spanish Dollars..... 100 per 222 B'by Rs
German Crowns..... 100 per 213 Ditto.

FREIGHTS.

London..... Per Ton £ 5. 5.

THE GAZETTE.

The arivals since our last are the Ship *Fazel Currim*, from Mocha, the H. C's. Brig of War *Tigris* from Persian Gulph, the Brig *Laurel* from Rio de Janeiro and the Schooner *Kate*, from the Cape of Good Hope.

The Departures are the *Sir Charles. Malcolm*, H. C. Ship *Berwickshire*, and *Orwel*, and Ship *Carron* to China; H. C. Sloop of War *Coote* to Persian Gulph, and Ship *Asia Felix*, to Calcutta, lists of Passengers, will be found under the usual head.

ARRIVALS AND DEPARTURES.

ARRIVAL,—Ensign H. Rolland, 19th Regt.
DEPARTURES.—Lieut. J. Vicent, Engineers
Ensign H. Rolland, 19 Regt. N. I,
Lieut. G. Watson, 13th Regt,
Major T. Dickinson, Engineers.
Lieut. H. Strong, E. Regt.

SHIPPING REPORT.

ARRIVALS.—Augt. 3d, Ship Fazil Curim, Absuckoon Nacqudah, from Mocha 10th July,

5th.—The H. C. Brig of War Tigris, John Sawyer Esq. Commander from Persian Gulph 24th July.

do—Brig Laurel, (Free Trader) Thomas Tait Master. from Rio de Janeiro, 22d May, and touched at Guili Mane and Mozambique

do.—Schooner Kate, (Free Trader) Daniel Watt Master, from Cape of Good Hope, 28th June.

Passengers per.—H. C. Brig of War Tigris, Lieut, J. H. Welstead H. C. Marine.

Do.—Brig Laurel. Joao Damaseeno Caetano de Santos, Joze Ignacio Cardozo, Joze Corre de Aguier.

DEPARTURES.—Augt. 3d. Ship Sir Charles Malcolm, Henry Tudor, Master to China.

do. The H. C. Ship Berwickshire, Captain Frederick Madan, to China,

do.—Ship Carron, J. L. Wilson Master, to China,

4th The H. C. Ship Orwell, Captain R. M, Isaak to China.

do,—The H, C. Sloop of War Coote, John Pepper Esq. Commander to Persian Gulph.

5th,—Ship Asia Felix, T. Carswell Master, to Calcutta.

Passengers by.—Sir Charles Malcolm, Capt, W. T, Graham, I. Navy.

do,—Berwickshire, Gilbert More Esq, Lieut, Pemberton, and Assistant Surgeon Black

do. Orwell, Captain Poole, Mr. McVicar.

do. Asia Felix Ensign N. Prendergrast, H. M. 20th Regt., W. G. Homes Esq M. C. S, Lieut. H. Spottiswood Benl. N. I. Lieut. J. Buddolph Benl. N. I. Lieut H. Watson Benl N. I. J. M. D Souza Esq. Mr. S. Crampton, Mr. Dellen C. S.

English Extracts.

UNITED SERVICE JOURNAL for March.

COLLOQUIES WITH FOLARD.

NO. I.

(Concluded from the last Gazette.)

"'I wish, Trim, said my Uncle Toby,
'I wish I was asleep.'"

TRISTRAM SHANDY.

"The whole of that period is, to my apprehension, the most attractive in the military history of the world. Whatever may be our different views of the origin of the modern science. we shall at least agree, on the mere question of time, in referring its rise and gradual improvement to that same memorable epoch, which embraces the sixteenth and the first half of the following century."

"Assuredly, on that question there cannot be two opinions. And if you survey the history of that period, you will observe that, throughout it, Europe always afforded some great arena, on which the essays of the art were continuous and the advance of science incessantly progressive. The scene might vary; but on each the actors of successive systems were put to the encounter, until, in the collision, those principles of strategy were evolved, which have become the recognised foundation of all modern tactics. In the course of that century and a half, there may be marked three distinct and successive schools of warfare, of which ITALY—the LOW COUNTRIES—and GERMANY, afforded in turn the chief theatre.

"Thus when the formation of a regular infantry had superseded the feudal array of the middle ages, it was in Italy that the nations of Europe—the Swiss, the French, the Germans, and the Spaniards strove for the mastery; and the native levies of that fair and ill-fated land, obeying her destiny, which in the language of her poet was,

'Per servir sempre, o vincitrice, o vinta,'*

conquering or conquered, still to be enslaved, mingled in the quarrel of the stranger but as the hirelings of the strife. Through the long contest which terminated in the subjugation of Italy to the imperial arms, the Spanish infantry, by the superiority of their organization and discipline, the genius of their commanders, and the constancy and valour which were their national qualities, were left the victors of a hundred fields; and their achievements, which were emulated and shared by their Italian subject-allies, raised their character to the highest renown throughout Europe. It was then that from Italy were drawn those forces and tactics which, in the last half of the century, were put to trial on a more northern theatre. When the cruel bigotry of that tyrant Philip II. drove his Flemish subjects to revolt, the flower of the veteran Spanish and Italian infantry were transported from the Milanese to the Low Countries; and the long wars in those provinces became the second school of modern strategy, to which the martial spirits of every nation in Europe thickly resorted. There, were that consummate general Alessandro Farnese, the renowned Duke of Parma, and his not unworthy successor Spinola, with the Spanish and Italian [illegible] accomplished heroes of Nassau, father and son. the first William and the still more illustrious Maurice, trained by whose genius the raw levies of the patriots, and the gallant bands of gentlemen who thronged to his camp from every Protestant country of Europe, were taught to contend on equal terms with their more experienced opponents. In that contest were exercised also various bodies of Swiss and German troops, as well as many of the distinguished officers of the latter nation who afterwards served in the religious wars of their own country."

"There also, forget not, so please you, Chevalier, were the valour of my countrymen and the martial talents of several of their leaders signally illustrated: Willoughby, and Sidney, and Norris, and Vere. Since the conquests of our fifth Harry were won and lost, the English had mingled little in the wars of the continent; and for lack of foreign adventure, their military spirit had partaken something of the same rust with their arms. Except in the victory of St. Quentin, they had scarcely won a foreign trophy since the beginning of the century, until, in the school of Maurice, these 'English auxiliaries' of the Low Country wars won immortal honour. Witness the successful sieges of Gertruydenburg and Groningen, the heroic defence of Ostend, and the victories at Turnhout and Nieuport, in the latter of which—the best achievement of Maurice,—the English infantry under Vere led the van of the Confederates, overthrew and routed the Spanish veterans and slaughtered five thousand of their number."

"True: yet how does even the memory of these Italian Low Country wars sink and dwindle into nothingness, before the transcendant interest of the Thirty Years' conflict which succeeded in Germany! And this it was which formed the third school in the rise of modern military science: beyond all comparison the most illustrious and extensive of the three. For, what a host of great names and great achievements crowd the stage on that gigantic theatre of strategy; Gustavus, Weimar, Banner, Horn, and Torstenton; Tilly, Waldstein, De Wert, and Pappenheim; Piccolomini and Montecuculi; Rohan, Condé, Turenne. In that age was Germany but one vast battle-field, in which the soldiership of every nation of Europe was sternly tried to the utterance: the Swede, with his volunteer confederates the Englishman and the Scot; the Austrian, the Saxon, Bavarian, Bohemian, Hungarian, and the wild Croat; the Frenchman and the Switzer; the Spaniard, the Italian, and the Walloon. That was indeed the stirring age of battle and beleaguer; the age to which, if you would trace the foundation of modern science, your research and your study must be intently given."

"And yet, Chevalier, when that foundation has been traced, the result of the search, according to your theory, would but lead us back to the ages of classical antiquity."

"Certainly, as I contended in my own age, the general principles on which Maurice and Gustavus, and the greatest commanders who immediately followed them, based the conduct of their art, were avowedly borrowed from the science of antiquity. The general principles of strategy only, observe me: for the details of their operations were varied by the changes introduced through gunpowder and its artillery, by the opposite forms of ancients and modern polity and morals, by the different constitution of ancient and modern society and civilization, by, in short, the thousand accidents of time and fate. But still, under all these external appearances of dissimilarity, I maintain, that at bottom your moderns have been—even by their own confession—but the mere imitators of the ancient strategists."

"But granting, as you contend, that the principles of all modern strategy were originally borrowed by the great generals of the seventeenth century from the practice of the ancients, to what purpose, may it not be answered, should a man at this time of day burrow like a mole into the darkness of antiquity, or smother himself in the rubbish of forgotten controversy, merely to discover what no one will care to hear,—as, whether or not the Quincunx continued to be the Roman order of battle after the Punic wars—whether the Legion or the Phalanx presented the preferable array—whether the Ballista or the Catapulta respectively threw stones and darts, or, *mutatis mutandis*, darts &stones? To what purpose, in these gunpowder ages, should we perplex ourselves in fanciful inquiries whether the dense masses of Tilly and Waldstein imitated the close order of 'The Ten Thousand,' or the smaller and more manageable battalions of Gustavus were modelled on the cohorts of Cæsar—whether our trenches and cavaliers are but the repetition of vineæ and aggeres, and our parallels and approaches but a tame copy of an ancient beleaguer? If the elements of modern strategy were indeed derived from the principles of ancient warfare, the improvement of the art has long since obliterated the traces of a common origin: if the modern practice has proceeded from the example of antiquity, it will assuredly never return to it. The rapidity of our operations sets at nought all the rules and calculations which applied to the heavy movements of an infantry encumbered with armour; the distant effect of our fire-arms, by which alone the event is decided in nine cases out of ten, without any actual collision of masses, would render nugatory every attempt to restore an order of battle designed only for combatants, with whom to close was the only means of engaging; but above all, the prodigious projectile power, the vast range, and the tremendous execution of our artillery, have immensely extended the arena of battle, and enlarged the compass and theatre of action, far beyond all the most gigantic conceptions or provisions of your ancient strategy. Of the ancient sieges, we will say nothing: for what man in his senses ever thought of comparing the elaborate and aimless efforts of their most powerful engines, with the stupendous but simple operation of a ten-inch mortar, or a four-and-twenty pounder of the battering train?"

I paused: for I suddenly recollected that in my warmth I had rudely jostled the favourite hobby of my companion. He perceived my embarrassment, and by his good-humoured bearing immediately reassured me:

"Fear not, my good friend, that you should offend those prejudices which once bound me fast in the flesh. In the intermediate state of existence which I now enjoy, though we retain our habits of mind and stores of knowledge, the dispositions and affections which we brought from your world, yet we have this advantage over our former selves, that we are divested of all those passions which cloud the intellects and warp the understandings of men; and thus having a clearer and more comprehensive survey of every subject, we are enabled to exert our reason on causes and consequences, unfettered by our earthly prejudices."

I listened with profound reverence to this admirable metaphysical account of the soul's condition in Limbo: though, upon since looking at the dialogues of Montesinos, I verily believe my ghost must have stolen the whole passage from his brother shadow the Chancellor.

"Perceiving wherein I judged rightly, and wherein I erred," continued the Chevalier, "I am now prepared to concede to you that, in the matter of the beleaguer, the ancients did lack something of the refinement and rapadity of modern science. Yet how deeply interesting are all the details of their sieges—how enchaining the narrative of their herculean labours—their gigantic constructions—their artful chicanes! We have nothing to compare to it in our times: a modern army would not throw up in twenty weeks such an agger as Cæsar's legionaries were wont to raise in as many days."

"Very possibly: and these things may be matters of wonderment and interest to the mere military antiquarian: it may only still be asked you, to what practical purpose should they engage the attention of the professed military student? What has the modern soldier to do with antiquity?—

"What's Hecuba to him, or he to Hecuba?"

"Perhaps not much: yet I know not why the usages and science of other ages should not, in his vocation, be a subject of rational curiosity to the soldier, as well as to the follower of any other persuit. To trace the origin and progress of art, is, in every other branch of knowledge, held to be a laudable and useful occupation: tending to methodize and improve our conceptions, to enlarge our views, and to assist and stimulate our intelligence. And why not equally in the profession of arms? Credit me, there are worse employments for the soldier's 'hours of idlesse' than the inditing of even a passing commentary on the revolutions of the art."

"The Chevalier de Folard," replied I, "might need to offer no apology for treating of the high concernments of the ancient strategy. The distinguished services of fifteen campaigns, and the qualities of soldiership which won the esteem and confidence of the hero of his age—the Twelfth Charles of Sweden—avouched his title for the office. But for the humble and unknown to venture in his footsteps, were to encounter the reproach of the sophist, who presumed to lecture on the art before the renowned Carthaginian—or to be justly accused, like Michael Cassio, of 'mere bookish theorick—prattle without practice.'"

"Yes, if the study and observation of the past were indeed to be justly confounded with the pretence of offering instruction on the modern science. But it needs no high pretension to unfold the historical progress of another art from set dissertations and treatises which are fit only to moulder in the dust of departed miscellanies and obsolete necyclopedias, but from the living pages of the old writers: of those commanders of imperishable renown, who have themselves bequeathed to your times the authentic impress of their minds and achievments—the lessons of their genius embodied in the simple record of their glories; of those actors of inferior note, yet still their worthy companions or faithful followers the sharers, the witnesses, or at least the hearers of their deeds. whose pens, animated by the excitement of their theme, have left the world the genuine portraitures of their great leaders, familiarized man's perceptions with the lineaments of the mighty dead, and sketched to their mind's eye the whole moving panoply and gorgeous pageant of by-gone war. Content you with endeavouring well: to these faithful chroniclers be your attention given; to discuss their records, especially during the periods of which we have conversed, as embracing the rise of modern science, shall I, perchance, become your frequent visitor and counsellor. At present, the night [illegible] late, and—"

"It's already near twelve," [illegible] hoarse voice, "and sitting up o' these cold nights will do your honour's rheumatiz"

I made an effort to start from my chair and rebuke the inhospitable intruder; but my guest had disappeared in a trice, and I was immediately sensible of a reeking sulphurious odour which filled the whole apartment. I rubbed my eyes: the iron tongue of time from the neighbouring village steeple was tolling twelve; the fire was dying on its embers; the candles were expiring on their last odoriferous snuff in the sockets, and, in place of the Chevalier de Folard, there stood opposite to me, armed with boot-jack and slipper, only my trusty factotum Jonathan.

* FILICAJA.

LORD ELLENBOROUGH'S DIVORCE BILL, EVIDENCE IN THE HOUSE OF COMMONS.

The Lords ips assembled at three o'clock on Tuesday, (March 9); shortly afterwards, the committee on the above named Divorce Bill were called on.

Mr. Adam appeared as counsel for Lord Ellenborough and Mr. Dampier as counsel for her Ladyship,

Mr. Adam opened the case, and stated the nature of the evidence which he intended to produce.

The first branch of the evidence related to the conduct of the Lady and Prince Swartzenburgh, at Brighton; and from the evidence of a waiter at an inn there, the conduct of the parties was such as to form a sufficient ground for the present proceeding.

Lord Ellenborough's solicitor stated that the reason why proceedings in the Ecclesiastical Court, or in a court of law, has not been taken sooner was, that he was not able till the month of June last to procure sufficient evidence of the adultery. The usual proceeding had been commenced in the Consistorial Court, and a judgment got against her Ladyship for a divorce *a mensa et thoro*. He had made the proper inquiries as to whether Prince Swartzenburgh was in England since he had procured his evidence, but from all he could learn the Prince was not in England so as to enable Lord Ellenborough to bring an action at law against him.

John Ward examined—I lived at servant in Harley street. I know that Prince Swartzenburgh and another foreign gentleman lived at No. 73. I have seen a lady call there frequently, almost every day. The first floor was occupied by Prince Swartzenburgh. I saw the lady there in June 1823. I recollect seeing her several times in the drawing room. I have seen her frequently there. I have seen the Prince assist in dressing the lady. I saw him once lacing her stays. I was at the opposite window, No. 11. The middle window of 73 was open. I always saw her go there. She generally approached the house by the side of No. 73 She walked on that side of the street. I have seen her cross from Harley street, at Chandos-street I have seen the Prince leaning out of the middle window, and then afterwards let her in. I do not know who the lady is, I have seen her drive in a pony phaeton. It was a green one, with a seat for a servant behind. The livery of the servent was drab, with silver lace. I have often seen the phaeton in Portland-place, Wimpole-street, and Cavendish square. The servant was behind. He was a youth about 18. I have seen the Prince assist in dressing the lady, but not more than once. I saw her leave the house after being there for an hour or two. Sometimes she left alone, at others, in the company of the Prince. When she went out alone, I saw him go out five minutes afterwards. I never saw him join her. I should know the boy of whom I have spoken, who was with the lady if I again saw him. I have also seen the carriage in which the lady was, since,

By the Lord Chancellor—I saw these visits for about two months. They were nearly repeated every day. I saw her twice in the phaeton, I am sure that the lady I saw in the phaeton was the same whom I saw go into the house of Prince Swartzenburgh.

Cross-examined—When I saw what I have stated about lacing the lady's stays I was at the drawing-room window in the house opposite There was no attempt at concealment. I mentioned the fact to some person who knew Lady Ellenborough's family, and that person said it was false.

William Carpenter examined—I was groom to Lady Ellenborough. She was in the habit of driving a phaeton, with two long black tails. I have been with her to Wimpole street, Cavendish square, and other pla[illegible]

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She drove there sometimes three or four times a week, It was the year before last, I believe. I have seen her with Prince Swartzenburgh. She was in the streets about two or three o'clock in the afternoon. When she got out of the phaeton, she usually remained away about an hour.

Ward was again called, and he identified the witness as the youth whom he had seen with the phaeton, upon which Ward underwent a long examination by the Earl of Radnor, the substance of which was, that their was no attempt at concealment on the part of the Lady as to her approach and departure from the house of Prince Swartzenburgh. The witness said that he never observed any impropriety in the Lady's conduct whom he had seen go into the house, except that to which he had spoken respecting lacing the stays, In addition to this, he stated, that the person who would not credit the story was the housekeeper in the house where he lived. He said, in conclusion, that he observed the lady go to the prince's house in the manner described during the months of April, May and June 1828

Ann Lewis was called—The Prince, she said, had apartments in Harley-street. Count Diepitchen occupied the second floor. A lady was in the habit of visiting the Prince in a cabriolet, or in a hackney-coach. Sometimes she came on foot. The Prince generally led her in. She once came when he was from home. I then let her in and she went up stairs. These visits continued all the time that he lived in Harley-street. The Prince went out at the same time that she left—generally the same minute. After they had gone out I and my sister went into the apartment. I used to find the bed very much tumbled. I have found the bed not tumbled but that was a rare occurrence. No other lady was in the habit of visiting the Prince except this one.

The Earl of Rudnor here suggested that the counsel should be instructed to question the witness as to the identification of the parties. That a lady was in the habit of visiting Prince Swartzenburh was past a doubt, but there was no evidence to show this lady was Lady Ellenborough.

A young man named Prior, who had carried neer to Prince Esterhazy's residence, was then called, and he was examined at some length, with a view of showing that the lady who had been seen in Queen Ann street and other sheets in the neighbourhood of Harley-street, in a phaeton, was Lady Ellenborough. This witness said that he heard the lady announced one evening at the Prince's residence by the porter, as Lady Caroline Ellenborough,

To some questions put to him by the Earl of Radnor, he, however, admitted that he never saw the lady but with a veil on, and that on the last occasion alluded to she was dressed in a similar manner to what she was when he saw her in the phaeton.

Carpenter, the youth, was again called and examined. He stated that he went to fetch Lady Ellenborough from a party at the Countess St. Antonio's at Wimbledon, one night; that he was there about 10 in the evening with the phæton from Roehampton; that Prince Swartzenburgh was likewise at the party; that the Prince, after Lady Ellenborough had left the Countess's a very short distance in her own phæton, took her in his carriage which she rode with him a mile and a half, and that she then got out of the carriage, ascended her own phæton, and went to Roehampton.

Wheel the post-boy, was called. He said that he drove the Prince from town (and that Lady Ellenborough was in the carriage on Wimbledon on the evening in question; and that her ladyship got into the carriage at the steps of the door of the Countess St. Antonio's house, at Wimbledon.

Carpenter was again called, and examined by the Earl of Radnor—The witness said that he certainly did drive Lady Ellenborough a short distance from the Countess's door before she got into the Prince carriage.

The two letters were then put in, having been first proved to be in the hand-writting of Lady Ellenborough. They were not read.

The case in support of the bill having been closed.

Mr. Dampier shortly addressed their Lordships, chiefly dwelling on the want of identity. Even the identity of Prince Swartzenburgh at Brighton had not been satisfactorily established. One of the witnesses had spokon of his having a carpet bag, with a "sort of cont of arms upon it," And Lewis had stated that the initials of the Prince were upon the bag, together, with a crown. The initials had not been seen by the waiter at Brighton. There was abundant evidence of the lady visiting the Prince in Harley-street, but no satisfactory proof that that lady was Lady Ellenborough. The learned counsel, in conclusion, said that he should not call evidence, but should leave the case to their Lordship's judgment.

The Bill, on the motion of the Earl of Rosslyn, was read a second time, and on Thursday was read a third time and passed.

Lord and Lady Ellenborough.

Lord Ellenborough's Divorce Bill, in proceeding through the Committee of the house of Lords, received an amendment;—the amendment was, striking out the clause prohibiting Lady Ellenborough from marrying Prince Swartzenburgh. A similar clause is introduced into all their Divorce Bills, when brought into their Lordships house, in compliance with the orders; in Committee, or in progress of the bill, the clause is struck out, and by such means are the orders complied with and evaded.

The following letters. which were sent by Lady Ellenborough to Lord Ellenborough after their separation' were read in the House of Lords, as part of the evidence for the divorce:—

R——[Roehampton], Saturday night.

Forgive me if I do wrong in writing to you. A note just received from Lady Anson seems to imply that you have expected it. I had begun a letter to you this morning, thanking you from the bottom of my soul for your unbounded kindness in act and manner: it was far more than I deserved, and I am deeply grateful. I again renew all the assurances I gave you last night that in act I am innocent. I hardly know what or how to write to you. I dare not use the language of affection! you would think it hypocrisy. But though my family naturally wish all should be again as it once was between us, those feelings of honour which I still retain towards you make me still acquiesce in your decision, I continue to think it just and right. I have not been able to speak to them on the subject I confessed to you last night. I have spoken little to-day, but have never for an instant swerved from my own original opinion. I write this to you, if it is possible, for you to keep what I have said from them.* Do, as they would only set it down as another proof of unkindness on my part. Could you write me a line through Henry, were it only to tell me your opinion, be assured I should think it right. But oh! Edward dear dear, Edward! ought not time, solitude, and change of scene, to be tried by me to conquer or obliterate sentiments so inimical to our mutual peace; Pray write to me all you think upon the subject—all you wish me to do, I will now answer you candidly, and without a shade of deception.—God bless you dearest Edward,

JANET.

If my aunt has misunderstood any expression, and you did not expect or wish to hear from me personally forgive me; although I long to tell you how gratefully I feel towards you, yet I confess I should never have ventured to write—Ever your's.

[Envelope superscribed.]

To Lord Ellenborough, &c., &c., &c., Connaught-place.

The next Letter was received by Lord Ellenborough, the learned council said, on the 28th of May, two days before her Ladyship quitted Roehampton for Ilfracombe. It was gratifying, observed the learned gentleman, to find that Lord Ellenborough had acted so generously and nobly towards his wife, who herself acknowledged in reference to the allowance which he had made her, that it was more thanshe wanted. It was superscribed "Lord Ellenborough," and run thus:—

My dearest Edward,—I know you will believe me when I say I feel myself utterly unequal to writing to you to-day. I cannot thank you for your kinduess, but intreat you will not think of making me such an allowance; indeed it is more than I can possibly want. I will send back the green box to-morrow morning.—Ever, ever your's,

JANET.

* No explanation was given by the Learned Counsel of the communication alluded to.

RANDOM RECORDS.

By George Colman the Younger, 2 vols. post 8vo. London, 1830 Colburn and Bentley.

Random Records deserve a random review; and these volumes are not entitled to more than desultory notice. A cunning, and rather hypocritical-looking portrait of their facetious author, done in stone, faces the title-page; and gives promise of that certain quantity of queer story and moralising, quaint pun and religious precept, which chequer the page, and tempt the reader to pause on the question, whether George Colman the younger is really a wag or a puritan? or, as extremes they say, meet, whether he does not, as a memoir-writer, combine the two characters: and, like the serpent symbols of eternity, foretaste immortality by putting pointed tales* and worshiped heads together. Perhaps we expected too much from the merry lieutenant of the beef-eaters; but when we consider what he has refused to license in others, we ought not to be surprised at this having cut off much of his own wit, humour, and drollery. We are inclined to hold indeed, that it is unwise and uninstructive for a man to pen his autobiography when he is much on the wrong side of sixty years; when Falstaff "began to babble o' green fields," all his recollections of Hal, the tavern, Mother Quickly, Doll Tearsheet, Bardolph's nose, and other matters of huge interest, could not have been worth one halfpen'orth of bread. To execute such a work with credit to one's-self and advantage to the world, it must be done at a period of life when full vigour of mind enables us to enforce the lessons of experience; not when experience itself, has dwindled into maudlin imbecility and the garrulousness of old age—which tires on trifles, and is wonderfully unimportant upon the most important matters. But these are general reflections and have nothing to do with the Licenser of our threatres in his new capacity, where he exhibits, nevertheless, a strange enough mixture of the Broad Grins with the Nightgown and Slippers—the fun of the *bonvivant* with piety of the official. If from the sublime to the ridiculous be but a step, he has shown us that from the melancholy to the ludicrous is not quite so far: with an instance of which we will commence our quotations. It is a holyday pleasantry; and occurs on the author's leaving his school at Mary-le-bone, where he imbibed his rudiments.

"As it was Passion Week, most of my school-fellows had been taken home for the short Easter holydays; I had been promised to be sent for, but no messenger came; alone disappointed, vexed, sobbing, and forlorn, *I went to bed in my stockings* and mentally resolved, with all the earnestness of childish obstination, never to pull them off till I had seen my mother. Next day (Good Friday) Yorkshire John announced to me the welcome, '*venny shurshay*;' and joyfully I sought my home: but alas! it had become a house of mourning. The window-shutters were closed,—all was sad,—and my father in the deepest affliction. My mother had died that morning; she had been for a short time ill, but not dangerously so, till on the preceding night; she had as I was afterwards informed, swallowed, by mistake, a wrong medicine. I never saw her more! The impressions of sorrow are seldom lasting upon a childish mind, but I shed many a tear in secret. I need not tell the reader, that my vow of Maundy Thursday night was broken:—it dwells not, I confess, upon my conscience: my poor dear mother's spirit has never risen to accuse me: nor do I think that any spirit, but Hosier's ghost would ever visit me for the perjury about my stockings"

We wish *Hosier's* ghost could rise, but from its occean repose, to punish this *stocking* pun; we cannot like it—and it is best to leave the subject for the author's whimsical excuse for publishing.

"It is plain" (he says) "here is no excuse for me left; a state one will scarcely be admitted. This reminds me of an obsolete set of a parcel of schoolboys, who had a fashion—lately revived among gaudy clerks and apprentices—of smoking tobacco. It was in the time of James the First, whose detestation of the habit, and of the noxious weed, was manifested by his pedantic 'Counterblast' against it; but it had no effect upon the boys:—they still whiffed away, like little Whigs, to shew their independence of his majesty. In short the young dogs smoked day an night, like the kitchen-chimney of a tavern. This, as you see, was concealed, as much as you conceal a smell, from the Dominie;—till, one luckless evening, when the imps were all huddled together round the fire of their dormitory, involving each other in vapours of their own creation; lo! in burst the master, and stood in awful dignity before them. 'How now!' quoth dominie to the first lad, 'how dare you be smoking tobacco?' 'Sir,' said the boy, 'I'm subject to headaches, and a pipe takes off the pain.' And you?—and you?—and you?' inquired the pedagogue, questioning every boy in his turn. One had 'a raging tooth'—another the cholic,—the third a cough—the fourth—in short, they all had something. 'Now sirrah,' bellowed the doctor to the last boy, what disorder do *you* smoke for?' Alas! all the excuses were exhausted! when the interrogated urchin, puting down his pipe, after a farewell whiff and looking gravely up in dominie's face and a whining hypocritical tone—'*Sir, I smoke for corns.* And so indulgent reader, bereft as I am of all other plea—anticipated in every excuse,—allow me (for want of a better) to affirm that *I write to cure my corns.*"

Probably another reason may be found in the author's patronymic, of which he remarks: 'Some troublous planet, I believe, was lord of the ascendant in my horoscope, and the anagram of my name is *No Calm.*"

As the mere details of the birth, parentage, and education of a man who has distinguished himself so much by his literary and dramatic productions, contributed so largely to the public amusement, and filled so brilliant a place in the social circle, as Mr. Colman has done, would make the dullest critique we could elicit from his Records, we shall beg leave to dispence with all his "tediousness" on these heads, and simply illustrate the better portion of his performance, by extracting what we find most likely to vary our own appearance. We select, to begin, his opinions on play-writing.

"Few avocations are, in my present opinion, less eligible than that of the drama;—but it caught my fancy when I was a boy:—for I began not long after nineteen. At first, the very act of scribbling gave me pleasure; and I scribbled away, ignorant of 'the art to blot,' and thoughtless of any danger in submitting my erudities to the critics:—the novelty of the thing wore off;—and soon, after my amusement, became my profession, I felt the irksomeness of every task, and contemplated probable vexation in the even of it. When you are labouring for fame, or profit, or for both, and think, all the while you are at work, that instead of obtaining either, you may be d——d, ——it is not pleasant:—nor is it agreeable to reflect, that a handful of blockheads may, in half an hour consign first to disgrace, and then to oblivion, your toil of a year:—nay, that your own footman, who is one of what is call'd 'The Town,' can, by paying a shilling, hiss and hoot at your new comedy, from beginning to end: and having broken your night's rest, your judge in the upper gallery goes to sleep in your garret. But these considerations apart, I verily think, that the wear and tear upon the nerves, occasioned by dramatic composition, may deduct some years from a man's life. It has been my habit—I know not why, except, perhaps that the Muse is more propitious after dinner—to write chefly late at night; and, when I have grown *heated* with my subject, it has so *chill'd* my limbs, that I have gone to bed as if I had been sitting up to my knees in ice. Some few dramatists however have told me, that they have always written with such ease and rapidiety, that I have been astonished;—or, indeed, have scarcely believed them;—but my wonder and incredulity have generally ceased upon perusal of these gentlemen's hasty productions After all, success may tickle an author's vanity, but failure sadly mortifies his bile; particularly in writing for the stage, where success and failure are so immediate and so mark'd:—and, to say the best of it, a dramatist's is a devil of a life!"

Though lightly expressed, there are ideas here which may provoke reflections, not only in dramatic writers, but in all other aspirants after literary fame—though on such a book as this all kinds of reflections are (like comparisons odious: as we, scorning them, pass to a good story. Among the players at Richmond some fifty years ago was Dodd; and Mr. Colman relates:

"There was a gossipping anecdote told of Dodd, while he was acting here, for the truth of which I will no be answerable. He sojourned, as the story goes, in lodgings near the theatre with a *chere amie* belonging to the company. This, perhaps, he might have 'found to be a snug arrangement in the summer months; if the neighbourhood of the *tete a tete* had not been daily disturded by discussing frivolous points, upon which the fond pair very furiously differed; so much, that the gentlemen was wont to enforce his arguments more by missiles than by aphorisms; in short he threw chairs, table, and mantey-piece crockery, all) about the room. In the heat of one of these domestic *fracas*, which happened at an early dinner upon a dish of mutton, while Dodd, chattered and his *chère amie* screamed, the landlord rushed upon the scene of action,—in hopes if he could not prevent a further breach of the peace, to hinder their breaking more of the property. 'How dare you, master,' enjaculated Dodd, who was brandishing the shoulder of mutton in his hand, 'sbounce into our apartment while we are *rehearsing*?' Rehearsing!' cried the amazed landlord, while the broken bits of shambles were crunching under his feet,—'I could have sworn you were fighting.' 'No, sir,' said Dodd, 'we were rehearsing the supper scene in *Catherine and Petruchio*, or the *Taming of a Shrew*.'*—'Why, it does look,' observed the landlord, giving a glance round the room as if you had been trying to tame a shrew, sure enough.' 'Don't you know, fellow, asked Dodd, 'that we are advertised to act the parts this very night?' 'Not I, truly' returned the host. 'Then go down stairs, sir,' cried the comedian, sternly, 'and read the bill of the play; and read it every morning, sir, to prevent your repeating this impertinence.' History records not whether the landlord read the playhouse bill; but it sets forth that he did not forget *his own*;—for, when he presented it, at the end of the week, it contained an appalling longitude of charges for old tea-pots, chipped wedgewood vasses, delf shepherdesses, and other items of paltry earthenware, headed with 'Mr. Dodd, debtor to John Wilson for choice articles of very rare and ornamental china, broken at the *rehearsal of the Taming of the Shrew*.' It may be supposed that the expenses at ending this rehearsal checked the comedian's ardour for giving the piece a *long run*; and that he took care it should not be repeated every day, till further notice.'

Our next extract is a production attributed to a baker near Westminster school, were Colman advanced in letters. It runs thus:

'If I had a garden, a field, and a gate,
I wouldn't care for the Duke of Bedford's estate;
That is' I wouldn't care for his grace's estate,
If I had Covent-*garden*, Smith-*field*, and Billings *gate*.

On which our authority remarks—"The happiest feature in this tetrastic is, the unexpected conversion of country wishes into London desires it imparts a certain *rus in urbe* character to the whole poem, which is mighty refreshing, agreeable, and ingenious. Should I be censured for editing this little posthumous effusion of Mr. Jackson, of the Bowling alley, I can only plead that I have done so in conformity with the reigning taste; of which the newspapers offord so many simalar specimens, under the head of 'Original Poetry.

Mr. Colman entertains a very judicious antiphathy to the march of intellect and spread of knowledge, &c.

"Alas! (he exclaims) there is much jargonising of late about the 'march of intellect and 'spread of knowledge.' Mechanics' Institutions, and Universities for mennfillners, hosiers, and grocers, certainly indicate marching and spreading at furious rate; it is to be wished that so quick a march may not turn into a full gallop, and run away with us and that the spread of knowledge may not spread like the fire of London, which destroyed every thing in its way. 'A Little learning is a dangerous thing;—and a great deal cannot be hammered into the heads of vulgar men, whose attention is to be distracted between the courses of a college and the cares of a counte.:—nay, we are told, so extensive is the philosophic plan of dispersing plebeian darkness, that the humblest handicraftsmen are to be members of the London *Alma Mater* bricklayers and masons are to be matriculated scavengers to keep term, dustmen to take degrees.

* Querre, tails?—[illegible] shocking [illegible] encore.

** Wherein *Petruchio* throws a shoulder of mutton about the stage. to the delight of the galleries.'

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grees, yet carry on their trade and their labour. Try whatever we can, there is nothing new under the sun; and the present projects for the diffusion of knowledge are but revivals of the old systems of Laputa; where, as Mr Lemuel Gulliver informs us, every thing was executed upon the profoundest principles of erudition and science; insomuch, that the cooks cut beef and mutton into triangles and homboids; and even Mr. Gulliver's tailor measured him for a suit of clothes mathematically. This 'operator,' he says—*operative* we now call him, which is only a slight distinction without a difference,—took his customer's altitude by a quadrant, and then the dimensions of his whole body with a rule and compasses:—but happening to mistake a figure in the calculation when he put it upon paper, he brought home the clothes quite out of shape; a circumstance as little regarded in the island of Laputa, as it will be, by and by, in the island of Great Britan, when the *spread* has arrived at perfection. Care, however, must be taken that *some*, among the lower classes, should be left uneducated:—such persons will be indispensable, as they were in Laputa, to act as flappers, for the purpose of rousing their more enlightened brethren from abstract meditations, that they may mind their ordinary business; otherwise when the early sweep pops his head out through the chimney-pot, and contemplates the morning star, he, will get absorbed in astronomy; and, if not reminded by his *flapper*, with a blow of the bladder upon his face, he will never descend from his altitudes, and brush down the soot and *bag* it. Without such a remembrancer, the butcher will be lost in anatomy, the green-grocer in botany, the pot boy in metallurgy; carpenters, deep in dialectics, will chop less wood than logic; luminous lamplighters will leave the streets in utter darkness, and postmen will be too much men of letters to deliver them in due course. Grave discussions upon this subject I leave to grave men."

At his father's in early life, George the (literary then) Younger had opportunities of seeing some of the eminent men of that day; and the following notices of several members of the famous Literary Club have interested us considerably, though evidently the judgements of after-life on the impressions of the boy.

Of Dr. Johnson he tells us:

"On the day of my introduction, he was asked to dinner at my father's house in Soho Square; and the erudite savage came a full hour before his time. I happened to be with my father, who was beginning his toilette, when it was announced to him that the doctor had arrived. My sire being one of the tributary princes who did homage to this monarch, was somewhat flurried, and, having dressed himself hastily, took me with him into the drawing room. On our entrance we found Johnson sitting in a *fauteuil* of rose-coloured satin, the arms and legs of which (of the chair, remember, not of the doctor) were of burnished gold; and the contrast of the man with the seat was very striking;—an unwashed coal-heaver in a *vis-a-vis* could not be much more misplaced than Johnson thus deposited. He was dressed in a rusty suit of brown cloth *dittos*, with black worsted stockings; his old yellow wig was of formidable dimensions; and the learned head which sustained it rolled about in a strangely paralytic motion; but in the performance of its orbit it inclined chiefly to one shoulder—whether to the right or left I cannot now remember;—a fault never to be forgiven by certain of the *twaddlers*, who think these matters of the utmost importance! He deigned not to rise on our entrance; and we stood before him while he and my father talked. There was soon a pause in the colloquy; and my father, making his advantage of it, took me by the hand, and said—'Doctor Johnson, this is a little Colman.' The doctor bestowed a slight ungracious glance over me, and, continuing the rotary motion of his head, renewed the previous conversation. Again there was a pause;—again the anxious father, who had failed in his first effort, seized the opportunity for punishing his progeny, with—'This is my son, Doctor Johnson.' The great man's contempt for me was now roused to wrath; and, knitting his brows, he exclaimed, in a voice of thunder, 'I *see* him sir!'—he then fell back in his rose-coloured satin *fauteuil*, as if giving himself up to meditation; implying that he would not be farther plagued, either with an old fool or a young one. The gigantic Johnson could not be easily thrown out at window,—particularly by my under-sized sire;—but he deserved to be 'quoited down stairs' like a shove-groat shilling;' not exactly, perhaps, for his brutality to the boy, but for such an unprovoked insult to the father, of whose hospitalities he was partaking. This, however, is only one among the numerous traits of grossness already promulgated in which the Bolt Court philosopher completely falsified the principles of the Roman poet:—

—'ingenuas didicisse fideliter artes
Emollit mores, nec sinet esse feros.'

After this rude rebuff from the doctor, I had the additional felicity to be placed next to him at dinner:—he was silent over his meal; but I observed that he was as Shylock says of Lancelot Gobbo, 'a huge feeder,' and during the display of his voracity (which was worthy of *Bolt* Court), the perspiration fell in copious drops from his visage upon the table cloth:—the clumsiness of the bulky animal, his strange costume, his uncouth gestures, yet the dominion which he usurped withal, rendered his presence a phenomenon among gentlemen:—it was the incursion of a new species of barbarian—a learned Attila, king of the Huns, come to subjugate polished society. Oliver Goldsmith, several years before my luckless resentatic to Johnson, proved how 'doctors differ.' I was only five years old when Goldsmith took me on his knee while he was drinking coffee one evening with my father, and began to play with me;—which amiable act I returned with the ingratitude of a peevish brat, by giving him a very smart slap in the face;—it must have been a tingler—for it left the marks of my little spiteful paw upon his cheek. This infantile outrage was followed by summary justice; and I was looked up by my indignant father in an adjoining room, to undergo solitary imprisonment in the dark. Here I began to howl and scream most abominably; which was no bad step towards liberation,—since those who were not inclined to pity me, might be likely to set me free for the purpose of abating a nuisance. At length a generous friend appeared to extricate me from jeopardy—and that generous friend was no other than the man I had so wantonly molested by assault and battery;—it was the tender-hearted doctor himself, with a lighted candle in his hand and a smile upon his countenance, which was still partially red, from the effects of my petulance. I sulked and sobbed, and he fondled and soothed till I began to brighten, Goldsmith, who, in regard to children, was like the village preacher he has so beautifully described,—for.

'Their welfare pleased him and their cares distressed,'—

seized the propitious moment of returning good humour—so he put down the candel, and began to conjure. He placed three hats, which happened to be in the room, upon the carpet, and a shilling under each:—the shillings, he told me, were England, France, and Spain. 'Hey, presto, cockolorum! cried the doctor,—and, lo! on uncovering the shillings which had been dispersed, each beneath a separate hat, they were all found congregated under one. I was no politician at five years old,—and therefore might not have wondered at the sudden revolution which brought England, France, and Spain, all under one crown; but as I was also no conjuror, it amazed me beyond measure. Astonishment might have amounted to awe for one who appeared to me gifted with the power of performing miracles, if the good nature of the man had not obviated my dread of the magician; but from that time, whenever the doctor came to visit my father.

'I plucked his gown to share the good man's smile';

a game at romps constantly ensued, and we were always cordial friends and merry playfellows. Our unequal companionship varied somewhat, in point of sports, as I grew older—but it did not last long;—my senior playmate died, alas! in his forty-fifth year, some months after I had attained my eleventh. His death, it has been thought, was hastened by 'mental disquietude;'—if this supposition be true, never did the turmoils of life subdue a mind more warm with sympathy for the misfortune of our fellow creatures; but his character is familiar to every one who reads;—in all the numerous accounts of his virtues and his foibles.—his genuis and absurdities, his knowledge of nature and his ignorance of the world,—his compassion for another's 'woe' was always predominant; and my trival story of his humouring a forward child, weighs but a feather in the recorded scale of his benevolence.— *Lon. Lit. Gaz.*

INDEPENDENT JUDGES.

TO THE EDITOR OF THE EXAMINER.

'Sir,—The time has at length arrived, thanks to the press and the schoolmaster, when it cannot be said, with any propriety,

"Let but a Lord once own the happy lines
How the wit brightens, how the sense refines,"

Now, as Burke once lamented, in his degenerate days "everything must be discussed." Lord Ellenborough's allusion to the *menagerie*, when he would illustrate the principle of an important transaction in his administration of India, will criticize freely, as though his Lordship had not inherited the rank and riches of an able and fortunate lawyer, or as if his "tame elephants" had been exhibited by a Peacock, instead of a Peer.

'It is, however, to be regretted that when "Mr. G. Bankes (p. 98) *explained* the causes of Sir William Seymour's appointment," he had not referred to those "extracts from the writings of Sir William Jones" which immediately satisfied Lord Ellenborough, that the aspirant to the vacant judgeship "seemed to have right notions of his duty;" or, according to the *Melville* gloss on the *Ellenborough* text, that he would prove so "tame" not to set up his own notions of law," but "agree with what the authority of the Governor declares wrong."

'Sir William Jones, the early associate of Jebb and Cartwright, and to his last days, the intimate friend and correspondent of Price and Franklin, is here brought into strange company. There remains, however, in his published works, some records of the judicial language he had uttered from the Bench.

'The second paragraph of his first "Charge to the Grand Jury at Calcutta, Dec. 4, 1783," soon after his arrival in India, thus commences: "None of you, I hope, will suspect me of political zeal for any set of ministers in England, with which vice my mind has never been infected; nor of political attachments here, which in my station it will ever behove me to disclaim!" so ill prepared was this supposed worthy exemplar of a judge to guide his decisions, not by his "own notions of law" but by "the authority of the Governor," as Lord Melville recommends.

'Sir William proceeds "in the character of a magistrate appointed to preserve the public tranquility," to congratulate the Grand Jury "on the happy prospect of a general peace," anticipating "the revival and extension of commerce in all the dependencies of Britain, the improvement of agriculture and manufactories, the encouragement of industry and civil virtues." He adds that "to India he looks for the most splendid as well as the most substantial of these advantages." Such he expects not because judges *tamely* defer to the *sic volo. sic jubeo* of a Governor, but "as long as the supreme executive and judicial powers shall concur in promoting the public good, without danger of collison or diminution of each others dignity; without impediment, on the one side, to the operations of government, or, on the other to the due administration of justice."

'How much of judicial independence Sir William Jones included in his administration" may be inferred from the remark, of which a "tame," time-serving lawyer had been incapable, that "legistative provisions have not the individual for their object, but the species; and are not made for the convenience of the day, but for the regulation of ages." He then goes on to recollect with satisfaction, "how many precautions from time to time, had been used, to render judges and jurors impartial, and to place them above dependence."

'In a latter charge (1790) Sir William declares, "in the manly diction of the high-minded and eloquent Algernon Sidney," that "the good of the people ought to be fixed on a more solid foundation than the fluctuating will or fallible understanding of one or a few; for this reason law is established, which no passion can disturb. It enjoins not that which pleases a weak frail man, but, without any regard to persons, commands what is good, and punishes evil in all, whether noble or base, rich or poor, high or low. It is deaf, inexorable, inflexible,"

'We shall probable learn, in due time, whether Sir William Seymour shall have made his *debut*, on the Bench at Bombay, in a manner worthy of a lawyer, proposed to his imitation so fair a model of an Indian judge. In the meantime, your readers may determine, whether a judge worthy of such an exemplar could be equally worthy to be sent to India as one of Lord Ellenborough's "tame elephants."

Clapton, Feb. 15, 1830. J. T. R[utt].

Examiner, Feb. 21.]

Mr. GODWIN'S "Cloudesley."

To read through a good novel in a day is like travelling through a beautiful country (as we shall be able soon to travel by the help of steam-carriages) at the rate of twenty four miles an hour; we have no time to observe, much less to dwell upon and enjoy the beautiful objects presented to our eye. We have no such mechanical faculty of reading, and the more we like a book the slower is our progress through it; which must be our excuse for not noticing Mr. Godwin's "Cloudesley" sooner.

We do not mean to say that this novel is not without considerable faults, and one obvious and main error of construction, but the story is of great interest; that interest is progressive and accumulated, and the stile in which it is conveyed is forcibly and powerfully simple; not only with no affectation of, but with an utter and laudable scorn of what is usually understood by the terms "fine writing." In this respect and in many others it differs essentially from most modern productions of the class (always, of course, excepting those of Sir W. Scott); and, although it relates much to the life and adventures of an English nobleman, it makes no pretension to give anything like a picture of fashionable manners and society. It deals in no invented scandal, draws no imaginary portraits to receive individual application, and betrays no pretended confidence. The characteristic of the novels within the last ten years, published in London, is their literary empyricism, in which some scribbling garretteer affects to have mixed in the highest circles, to which, at best, he would only have been admitted with a duster under his arm. One of the most recent of these impositions was, to our knowledge, the production of a Dissenting Minister in a country town, which was puffed off in the newspapers as the authorship of an anonymous but distinguished subscriber to Crockford's. We are aware that among the greedy gormandizers of circulating libraries we may thus be doing some injury to the sale of *Cloudesley*; but are doing justice to its Author, and we are sure that he will thank as for it. The writer of Caleb Williams, Fleetwood, St. Leon, and Landeville (we do not affect to give them in the order of publication), would be sorry to be indebted for popularity to any other cause, then the talent he possesses of drawing human character in scenes of human life.

Even in the outset of this work, Mr. Godwin gives way to the philosophical turn of his mind, which enables him in the course of his narrative to intermix reflections and observations, often distinguished for their originality and truth. He has introduced his Novel by some remarks (coming from himself, as a Novelist and a Historian, with peculiar propriety) upon the reality of fictitious narrative; on what we think, Gray calls—

"Truth severe in fairy fiction drest,"

compared with the guesses at character and circumstance founded upon public official documents. He endeavours to illustrate this position by his story, which he states to be a sort of paraphrase upon the old ballad of *The Children in the Wood*, thereby [illegible] less than justice to his own inventive faculties, and to his skill in embellishing the story "with the colours of the imagination." He has laid his scene principally in Italy, and in this respect he resembles the oldest author, who, in our language, as far as we are aware, has made use of the tale—Robert Yarrington, in his drama called *Two Tragedies in one*, printed before the death of Elizabeth.

About the first hundred pages of "Cloudesley" are only incidentally connected with the chief events: the episode respecting the war in Greece in the commencement of the 18th century, which, on our first arrival at it, we were disposed to find fault with as needless, we afterwards discovered to be essential to the due development of the plot. We are not also to anticipate the narrative by an attempt to abridge three volumes into about as many sentences; but it seems to us, that the effect of the whole is to show that men, as common human beings, without any enormous vices or equally preposterous virtues—creatures in whose faults and failings we can sympathise—are capable of becoming the instruments of the highest and blackest crimes, when wrought upon by circumstances; of course, in the delineation of those circumstances, to render it probable to the notions of the reader that they should lead to such results, is the skill of the writer. Thus the manner in which Earl Danvers in vol. 2. arrives at the resolution not of destroying, but of putting away his brother's infant son, the true heir to the title, is admirably related, letting the reader completely into his purpose, without avowing it even to himself. In the same way, until we reach that event, we feel no suspicion that a man like Cloudesley would be guilty of a participation in the crime; and yet, when we subsequently find him aiding in all the fraud and guilt necessary for its completion, we are satisfied that it could not have been otherwise. It will seem to the reader, even after he shall have duly weighed the matter, and watched the progress of the story from beginning to end, that there is one inherent defect in it—viz. that it is extraordinary that a man, suffering under a load of guilt and shame, like Lord Danvers, should make a full, frank, and unreserved disclosure of his whole character and conduct to a person whom, at the utmost, he had known for a month, and in whom he had no peculiar reason to confide. It was necessary, however, that the confession should be given; & in productions of this kind allowances must always be made for the compulsion under which an author writes. As to the manner of the narrative, Meadows, who gives it, afterwards states that he had unavoidably added embellishments, and even circumstances of his own; but we think the defect would have been less apparent, if Lord Danvers had not been made to repeat his story in the first person: perhaps by this expedient we should have lost quite as much in character and interest, as we should have gained in naturalness and probability. We disapprove also in some degree of the too numerous, and sometimes common place book quotations from Shakspeare, a poet comparatively little read in the time to which the novel refers; and Lord Danvers cites one passage from *John Woodville*, by C. Lamb, an author yet living, and we are happy to add, in more senses than one, likely to live.

That which would be an objection to a Play is a great improvement to a Novel, the multiplication of the *dramatis personæ* as the story proceeds, without lessening the attention absorbed by the principale characters. Here Mr. Godwin has been very successful; and in no part of his work more so than in the delineation of Borromeo, who figures dorminently in the third volume: he is a dark misanthrope, whose reconciliation with mankind is completed with the completion of the story, and "whose good qualities (to use a beautiful simile of the author's) come out one by one, like stars at the setting in of the night." As the interest advances other persons are brought forward, not merely for the sake of variety, but in order to illustrate and contrast the principal parties. It is to be observed, that there is but little love throughout the production, for he who is in fact the hero of it is too young for any attachment of the kind. The marriage of Lord Danvers with Selina is descriptively managed, and the interest we feel for her is rather as a mother than as a mistress. Beyond dispute, one of the most delightful parts of the book is the account given by Lord Danvers of the infant beauty of his children, and of their gradual but premature decay and loss, which finally leads to the catastrophe—the death of the usurper of the title, and the restoration of the rightful owner of it. This portion of the subject is managed with great skill, yet apparently with the most natural and touching simplicity. We are happy to be able to praise Mr. Godwin's new novel for the old fashioned properties of sense and sound; but we advise those who take it up expecting to find in it anything like an exposure of the frippery and vices of fashion, to lay it down again.

MISCELLANEA.

ROBBERY of the Earl of Verulam.—Saturday morning, as one of the vans belonging to the Earl of Verulam was proceeding from his Lordship's seat at Girhambury, near St. Alban's, to the Earl's town residence, 42, Grosvenor-square, it was plundered, between Park-street and Edgware of several trunks containing a variety of property, including a portion of the wardrobe of his Lordship's daughters (the Ladies Grimstone), and also a newly painted picture of one of the Earl's celebrated bay mares.

On Wednesday last, pursuant to sentence, Emond paid the forfeit of his life for the murder of Mrs. Franks and her daughter at Haddington. Notwithstanding the damp morning, the crowd assembled to witness the exit of this atrocious murderer was very great, almost as much so indeed as on the occasion of the execution of Burke. The number present could scarcely have been less than 20,000.—*North Briton.*

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